

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 08 FEB 2005

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Applicant's or agent's file reference JMD/DGRP/407377WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/02609	International filing date (day/month/year) 18.06.2003	Priority date (day/month/year) 18.06.2002	
International Patent Classification (IPC) or both national classification and IPC B08B5/04			
Applicant AWAZEL WATERPROOFING COMPANY et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 16.01.2004	Date of completion of this report 07.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Deviliers, E Telephone No. +49 89 2399-8426 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/02609**

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-21 as originally filed

Claims, Numbers

1-78 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 16,17-78

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 16 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 17-78

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,6,7,11,13-15
	No: Claims	1,3,4,5,8,9,10,12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

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EXAMINATION REPORT - SEPARATE SHEET**

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1. To point III:
the wordings of claim 16 is too vague and too indefinite to allow to formulate a meaningful opinion about the subject-matter of this claim. Moreover, claim 16 does not comply with Rule 6.2.a. PCT.

2. To point V:

2.1. to independent claims 1 and 10:

Document WO03/022464 discloses a cleaning equipment suitable for cleaning a tank and comprising a suction pipe connected to a pump. The use of such an equipment obviously comprise all the steps listed in claim 1.

Attention of the applicant is drawn to the fact that same remarks do apply to document CA-A-02366079, DE-A-10131419 and US-A-5306351. Moreover, the wording "for cleaning a vessel contaminated with a sludge" does not limit the subject-matter of claim 1 to the cleaning of a vessel since "for" should be read as "suitable for". It is therefore considered that the steps listed in independent claim 1 are the same as the step for use of any industrial vacuum cleaner. Furthermore, the features listed in independent claim 10 are known from an industrial vacuum cleaner. The subject-matter of independent claims 1 and 10 is therefore regarded as not novel.

2.2. To dependent claims 2 and 11:

Using pneumatic means is only one of the numerous possibilities which a skilled person would select if facing the problem to generate vacuum. The subject-matter of claims 2 and 11 is therefore regarded as not inventive.

2.3. To dependent claims 3:

All documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are disclosing systems wherein the suction is generated by pumps. The subject-matter of claim 3 is thus regarded as not novel.

2.4. To dependent claim 4:

All documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are disclosing systems wherein the material to be removed (sludge) is previously contacted by a solvent. The subject-matter of claim 4 is thus regarded as not novel.

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2.5. To dependent claims 5 and 6:

Document US-A-5306351 discloses in claim 7 a dispersion solution comprising citrus pectin. The subject-matter of claim 5 is therefore regarded as not novel. Use of orange oil as solvent therefore appears to be only a solution among others which would fall within the basic knowledge of a person skilled in the art. The subject-matter of dependent claim 6 is thus regarded as lacking an inventive step.

2.6. To dependent claim 9:

Since the groups listed in claim 9 are to be found in a oil tank, and since the systems disclosed in documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are suitable for cleaning of oil tanks, the subject-matter of claim 9 appears to lack novelty.

2.7. To dependent claims 8 and 12:

Document DE-A-19920047 discloses in claims 13 and 14 means for heating the contaminant by way of warm air. The subject-matter of claims 8 and 12 is thus regarded as not novel.

2.8. To dependent claims 7 and 13 to 15:

The subject-matter of these dependent claims is either known or suggested by prior art documents. It is therefore considered that the subject-matter of these dependent claims lacks an inventive step.

3. Rule 6.2.a. PCT:

Claim 16 does not comply with Rule 6.2.a. PCT.